

REMARKS

It is noted that claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) over the patent to Schramm in view of the patents to Kohl and Umeda.

Claims 1 and 5 are rejected under 35 U.S.C. 103 as claim 1, and further in view over the patent to McClaim.

Also, the specification is objected to and the claims are rejected under 35 U.S.C. 112.

In connection with the Examiner's objections and rejections, applicant has canceled claims 4 and 5 and amended claim 1 substantially by introducing their features into this claim.

In accordance with the present invention, an apparatus for regulating the exciter current for a rotary-current generator is proposed, which evaluates the phase voltages by an evaluation unit, and this evaluation is used to make conclusions about error functions of the rectifier or error

functions of one of the phase windings. Such a solution is not disclosed in the prior art.

The patent to Umeda discloses a circuit, in which the voltage generated in the phase windings is supplied to a control device. The control device controls switching means, so that countervoltages are superimposed on the pulsating voltages on the phase windings and are selected in phase and amplitudes so that voltage fluctuations can be compensated as much as possible. This reference does not disclose anything related to detection of an error function.

The patent to Schramm discloses a voltage regulator, in which the output voltage of a rotary-current generator is regulated in a conventional way. For detection of the rotary speed of the generator, a phase winding is connected with the voltage regulator. The signal (voltage or current) which is produced on the phase winding depends on the rotary speed of the generator and is used to determine the rotary speed of the generator or to determine whether the rotor of the generator rotates. This reference also does not teach the new features of the present invention.

The patent to Kohl discloses a voltage regulator for a rotary-current generator, which has two separate switching circuits. A voltage is supplied to one switching circuit through a terminal V and is taken from a stator winding. When this voltage exceeds a set reference voltage threshold, the regulating transistor of the voltage regulator is turned off and thereby an overvoltage protection is provided.

The patent to McClain discloses a voltage regulator in which the voltage should be regulated in a rotary-current electrical machine so as to be substantially uniform. It is also indicated in this reference that an error function must be avoided. However, the references does not disclose how from the determined phase voltages in a generator error functions in the phase windings or in the associated rectifier can be detected.

The Examiner rejected the original claim 1 over a combination of the patents to Schramm, Kohl and Umeda. It is respectfully submitted that since none of the references teaches the new features of the present invention which are now defined in claim 1, any combination of the references would also lead to a construction which would not include these features as well.

In order to arrive at the applicant's invention from the combination of the references, the references have to be fundamentally modified by including into them the features which are not disclosed in the references and first proposed by the applicant. However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has also been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in re Randol and Redford (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggestion; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Definitely, the references do not contain any suggestions for such modifications.

With respect to the Examiner's rejection of claims 4 and 5, the combination of the four references applied by the Examiner in his rejection of these claims would also not lead to the applicant's invention since none of these four references teaches the new features of the present invention

which are now defined in the amended claim 1, and these features can not be derived from the references as a matter of obviousness.

As for the Examiner's rejection of the claims for formal reasons, it is believed that the amendment to claim 1 clarify the issues raised by the Examiner. Claim 1 together with other claims clearly defines the new features of the present invention, which are disclosed in the specification.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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